

Amendments to the Drawings:

The attached drawing sheet includes a new Figure 3, which finds support, *inter alia*, in the original specification at the paragraph numbered 0019 and original claims 18 and 19.

Attachment: New Sheet.

REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. Claims 1, 4, 6, 12, 15, 18, 20, and 23 are amended. Claims 3, 5, and 22 are canceled. No claims are added. Thus, claims 1-2, 4, 6-21, and 23 remain pending and are submitted for reconsideration.

Specification

The specification is objected to because the subject matter of claim 12 lacked antecedent basis in the specification. Claim 12 has been amended to correct this informality. Reconsideration and withdrawal of the objection are respectfully requested.

Drawings

The drawings are objected to because the compressed-air spring and pump device of claims 18 and 19 were not shown in the drawings. In order to expedite prosecution, new Figure 3 has been added which illustrates the compressed-air spring and pump device. Figure 3 finds support, *inter alia*, in the original specification at the paragraph numbered 0019 and original claims 18 and 19. Applicants have submitted the new Figure 3 solely to expedite prosecution and do not believe that Figure 3 is necessary to understand the invention.

Rejection of Claims 1-3 and 18-19 Based on Herrmann.

Claims 1-3 and 18-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by the German Publication DE 101 19 810 ("Herrmann"). Reconsideration and withdrawal of the rejection are requested because Herrmann does not disclose or suggest the claimed invention. For example, claim 1 (as amended) recites "wherein the tightening device comprises a tightening spring and has a driving motor for placing the tightening spring under a predetermined prestress." Herrmann does not teach or suggest this feature. Claim 3 has been canceled, which renders this rejection moot. Claims 2 and 18-19 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth therein. For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 1-4 and 15 Based on Kopetzky

Claims 1-4 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,527,298 ("Kopetzky"). Reconsideration and withdrawal of the rejection are

requested because Kopetzky does not disclose or suggest the claimed invention. For example, claim 1 (as amended) recites “wherein the tightening device comprises a tightening spring and has a driving motor for placing the tightening spring under a predetermined prestress.” Kopetzky does not teach or suggest this feature. Claim 3 has been canceled, which renders this rejection moot. Claims 2, 4 and 15 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth therein. For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 5-8, 18, and 20-23 Based on Kopetzky and Biller

Claims 5-8, 18, and 20-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kopetzky in view of the German Publication DE 202 09 965 (“Biller”). Although claim 5 has been cancelled, claim 1 has been amended to include the features “wherein the tightening device comprises a tightening spring and has a driving motor for placing the tightening spring under a predetermined prestress.” Claim 20 includes a similar feature. Thus, the foregoing argument addresses how claims 1 and 20 are not rendered unpatentable over Kopetzky and Biller because the combination of Kopetzky and Biller is improper for at least the following reasons.

First, although paragraph 7 of the Office Action states that the teachings of Biller would allow a more accurate return of the deflecting device to its normal position, Kopetzky clearly teaches away from such a return because Kopetzky discloses the use of blocking balls 38 for the express purpose of preventing the piston 25 from moving back into the cylinder 22. (See column 3, lines 35-42 of Kopetzky.) According to the MPEP § 2145, “[i]t is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).” Thus, one in the art would not be motivated to add a device that would allow the movement of the piston back into the cylinder because Kopetzky teaches away from moving the piston back into the cylinder.

Second, the combination of Kopetzky and Biller is improper because the motor of Biller is not compatible with the spring arrangement of Kopetzky. Kopetzky uses a spring 19 that acts directly against the deflecting element 20 and 26 (Figs. 2-3 of Kopetzky) so as to move the deflecting element. In contrast, Biller uses a spring 18 that pushes against the rack 22. The pushed rack pulls a cable 12 (Fig. 1 of Biller) which moves the buckle 10. The operating mechanisms of Kopetzky and Biller are completely different from one another. The

prior art nor the rejection makes clear how these two different configurations are to be integrated to form the claimed invention. For example, the device of Kopetzky extends the deflecting device to tighten the seat belt while the device of Biller contracts the buckle to tighten the seat belt so how are these two systems suppose to operate in conjunction with each other? Therefore, one in the art would not be motivated to combine the devices of Kopetzky and Biller because they are two different configurations and one with ordinary skill in the art would not know how the configurations of Kopetzky and Biller could be combined.

Finally, even if the teachings of Kopetzky and Biller were possibly combined (which they cannot), the principle operation of the Kopetzky device would be completely changed. According to the MPEP § 2145, “the claimed combination cannot change the principle of operation of the primary reference.” Thus, because any incorporation of Biller would change the principle of operation of the device of Kopetzky, the combination is improper and the rejection should be withdrawn.

Claims 6-8, 18, 21, and 23 depend from either claim 1 or 20 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth therein.

Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 16-17 Based on Kopetzky and Autoliv-Kolb

Claims 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kopetzky in view of the German Publication DE 40 20 600 (“Autoliv-Kolb”). Reconsideration and withdrawal of the rejection are requested because any combination of Kopetzky and Autoliv-Kolb does not disclose or suggest the claimed invention. For example, claims 16 and 17 depend from amended claim 1, which recites “wherein the tightening device comprises a tightening spring and has a driving motor for placing the tightening spring under a predetermined prestress.” Neither Kopetzky nor Autoliv-Kolb teaches or suggests this feature. Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

It is believed that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/19/2006

By HdS

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Howard N. Shipley
Registration No. 39,370
Matthew J. Kremer
Registration No. 58,671